

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SHELLI SIMMONS (BURTON),

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 14-cv-05677 BHS JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration (Dkt. 21).

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

1 On remand, based on the parties' stipulation, this Court recommends that the  
2 Administrative Law Judge ("the ALJ") hold a new hearing and issue a new decision. The ALJ  
3 should:

- 4 (1) allow plaintiff to submit additional evidence and arguments;
- 5 (2) hold a *de novo* hearing and issue a new decision;
- 6 (3) reevaluate the medical opinion evidence, particularly the opinions of Mark  
7 Heilbrunn, M.D., and Margaret Sandler, A.R.N.P., in accordance with 20 C.F.R.  
8 §§ 404.1527, 416.927, explaining the weight given and providing legally  
9 sufficient reasons for any medical opinion that is rejected;
- 10 (4) reevaluate plaintiff's impairments at steps two and three of the sequential  
11 evaluation process;
- 12 (5) reassess plaintiff's residual functional capacity;
- 13 (6) reevaluate plaintiff's ability to perform her past relevant work, making specific  
14 findings, explaining and resolving any conflicts, and obtaining vocational expert  
15 testimony as needed;
- 16 (7) as necessary, reevaluate plaintiff's ability to perform other work at step five,  
17 obtaining vocational expert testimony; and
- 18 (8) take any other actions necessary to develop the record.

19 This case should be reversed and remanded on the above grounds, and the parties have  
20 agreed that plaintiff is entitled to reasonable attorney's fees and expenses pursuant to 28 U.S.C. §  
21 2412, and costs pursuant to 28 U.S.C. § 1920, following proper request to this Court.

J. R. Mandel

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